

### **REMARKS/ARGUMENTS**

Claims 1-34 are pending in the application. Applicant, by this paper, amends claims 3, 7, 19, and 22. Applicant respectfully requests reconsideration and allowance of all pending claims.

#### **Discussion of Rejections Under 35 U.S.C. §112**

Claims 3, 7, and 22 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 3 and 7, the Examiner questions the interpretation of the term "the soldier's helmet" as it appears in claims 3 and 7. Applicant has amended claims 3 and 7 to recite --the helmet-- instead of "the soldier's helmet." Applicant believes that the preamble of independent claim 1 provides the antecedent basis for the term "helmet."

Regarding claim 22, the Examiner questions the interpretation of the term "transmitter means" as it appears in claim 22. Applicant has amended claims 19 and 22 to recite --projector means-- as opposed to "transmitter means."

Applicant believes that the amendments overcome the rejection and respectfully requests withdrawal of the rejection under 35 U.S.C. §112.

#### **Discussion of Rejections Under 35 U.S.C. §103(a)**

Claims 1-34 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,966,227 to Dubois et al. (hereinafter Dubois).

In order to establish a *prima facie* case of obviousness, the prior art references must teach or suggest all claim limitations. There must be some suggestion or motivation to modify the reference or combine the reference teachings. Also, there must be a reasonable expectation of success in the combination or modification. Applicant respectfully believes the reference fails to teach or suggest all claim limitations.

Claim 1 recites a method for identifying a friend or foe in a combat identification system that includes the steps of "selectively reflecting the IR transmit signal by opening and

closing the retroreflector obturator according to a response code of the day (RCOD)", and "combining the received RCOD with the TCOD to identify the combat response unit as friend or foe." These features are not taught nor suggested by Dubois.

The Examiner contends that Dubois describes the claimed feature of "selectively reflecting the IR transmit signal by opening and closing the retroreflector obturator according to a response code of the day (RCOD)," and cites to Dubois, at Col. 6 ll. 45-67. However, in this portion, Dubois merely describes a responder optical head which includes "some kind of mechanical or electrical-optical shutter that would only clear an optical path to the responder after the validation of the interrogation code from the interrogation source." *Dubois*, at Col. 6, ll. 58-62. Dubois further states: "The responder optical head would, therefore, only provide a response after the interrogation source has been identified as being friendly." *Id.* at 63-65.

The cited portion of Dubois fails to teach or suggest that the IR transmit signal is reflected by opening and closing the retroreflector obturator *according to a response code of the day*. Dubois describes reflecting a response signal only after the *interrogation source* has been identified, and not according to the *response code of the day*. Dubois fails to teach or suggest selectively opening and closing the retroreflector obturator according to a code, and fails to recite selectively operating the obturator according to an RCOD. Selectively reflecting the IR transmit signal according to the RCOD provides additional security and helps prevent spoofing by enemy targets. Thus, claim 1 is believed to be allowable at least for the reason that Dubois fails to describe this claimed feature.

Additionally, the Examiner contends that Dubois describes a means for combining the received RCOD with the TCOD to identify the source of the reflected IR transmit signal as friend or foe, and cites to Dubois Col. 4, ll. 21-29. The portion of Dubois, at Col. 4, ll. 21-29, reads:

Those emissions would be at a selective wave length or wavelengths which differ from the wavelength of an interrogating beam. If the target vehicle is unfriendly and/or not equipped with a proper responder optical head, only a diffuse reflection of the transmitted energy of the interrogating beam will be reflected back to the interrogating vehicle. If this is the case, that diffuse

retroreflected energy would be at the same wavelength as the interrogation beam.

In the Office Action, the Examiner includes his own summary of this portion of Dubois, and states: "The TCOD and RCOD are compared to determine the interrogation status of the target unit; i.e. if the wavelengths are the same, the target is a foe, and if the wavelengths are different, that target is friendly." *Office Action*, dated March 24, 2006, at page 3. Dubois fails to describe a transmitted code of the day and a response code of the day. Dubois makes mention of a code of the day (Col. 4, line 61), but fails to identify or distinguish any transmitted code of the day from a response code of the day and fails to teach or suggest combining the TCOD with the RCOD.

The cited portion of Dubois fails to teach or suggest, "combining the received RCOD with the TCOD to identify the combat response unit as friend or foe." Dubois merely describes that the interrogator *compares the wavelengths* of the signals to determine the source of the reflected IR signal as friend or foe. There is no discussion of *combining* the received signal or portions of the received signal with a transmitted signal to determine friend or foe status as taught by claim 1. Therefore, claim 1 is believed to be allowable at least for the reason that Dubois fails to teach or suggest multiple features of the claim. Applicant respectfully requests reconsideration and allowance of the claim.

Claims 11, 23, and 31 recite similar features to those discussed above in relation to claim 1. In particular, claim 11 includes "means for opening and closing the obturator means according to the RCOD". Similarly, claim 23 includes "means for opening and closing the obturator means according to a response code of the day". Claim 31 recites "means for combining the received RCOD with the TCOD to identify the source of the reflected IR transmit signal as friend or foe." Therefore, claims 11, 23, and 31 are believed to be allowable at least for the reasons discussed above in relation to claim 1. Applicant respectfully requests reconsideration and allowance of claims 11, 23, and 31.

Claims 2-10, 12-22, 24-30, and 32-34 depend from one of claims 1, 11, 23, or 31 and are believed to be allowable at least for the reason that they depend from an allowable base claim. Each of the dependent claims may have patentable features that distinguish over the prior

art, but discussion of each individual claim is unnecessary in light of the allowability of the independent base claims.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,



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